



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 22 2017

Jamie S. Hopkins
The Center for Public Integrity
910 17th Street, N.W., 7th Floor
Washington, D.C. 20006-2006

Re: Freedom of Information Act Request
EPA-HQ-2017-009972

Dear Jamie Hopkins:

This letter is a response from EPA Region 5's Office of Enforcement and Compliance Assurance to your Freedom of Information Act (FOIA) request dated July 31, 2017, in which you requested, as later clarified:

- All formal policy directives sent from EPA HQ to an EPA Region related to enforcement, from January 1, 2014, through August 24, 2017.
- All formal policy directives within a Region related to enforcement, from January 1, 2014, through August 24, 2017.

EPA's response to your request was originally due on October 3, 2017; however, in conversations with our Headquarters office, you agreed to give EPA until November 28, 2017, to respond to your request.

Records responsive to your request will be published separately via *FOIAonline*, and you will receive a link to the records. If any costs are billable under the FOIA, a bill will be issued by the FOIA office. Enclosure A is an itemized list of the documents we are releasing. However, we are unable to provide you with other documents responsive to your request because we have determined that they are exempt from mandatory disclosure under Exemptions 5 and 7(E) of FOIA, 5 U.S.C. § 552(b)(5) and 7(E). Exemption 5, 5 U.S.C. § 552(b)(5), protects inter- or intra-agency documents that would not be available by law to a party in litigation with the agency. This includes the attorney/client and deliberative process privileges recognized under common law. Exemption 7(E), 5 U.S.C. § 552(b)(7)(E), protects law enforcement information that "would disclose techniques and procedures for law enforcement investigations or prosecutions." It also protects law enforcement information that "would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

An itemized list of the withheld material, along with the basis for withholding and an estimate of the volume of withheld materials is included in Enclosure B and will be published via *FOIAonline*.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

Please contact Andrew Anderson at (312) 353-9681 if you have any questions about this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton", written in dark ink.

Cheryl L. Newton
Acting Deputy Regional Administrator

Enclosures

Enclosure A
Released Documents

- FY 2014 Region 5 Environmental Justice Implementation Plan
- FY 2015 Region 5 Environmental Justice Implementation Plan

Enclosure B
Withheld Documents

We have determined that all documents below are exempt from mandatory disclosure under Exemptions 5 and 7(E) of FOIA, 5 U.S.C. § 552(b)(5) and 7(E). Exemption 5, 5 U.S.C. § 552(b)(5), protects inter- or intra-agency documents that would not be available by law to a party in litigation with the agency. This includes the attorney/client and deliberative process privilege(s) recognized under common law. Exemption 7(E), 5 U.S.C. § 552(b)(7)(E), protects law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions.” It also protects law enforcement information that “would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

- FY 2014 Region 5 Enforcement Plan – 23 pages
- FY 2015 Region 5 Enforcement Plan – 19 pages
- FY 2016 Region 5 Enforcement Plan – 29 pages
- FY 2017 Region 5 Enforcement Plan – 30 pages
- FY 2018 Region 5 Enforcement Plan – 20 pages